



MEETING DATE: April 22, 2026

PRESENTED BY: Xavier Cervantes, AICP, CPM Director of Planning

AGENDA ITEM: Public hearing and consideration of a variance to allow a 5-foot rear setback instead of the required 10-foot rear setback/utility easement for a proposed swimming pool, being Lot 64, Taurus Estates No. 9 Phase 1 Subdivision, located at 2001 W. 42 ½ Street, Applicant – Victor Pena - Cervantes

NATURE OF REQUEST:

Project Timeline:

- March 27, 2026 – Application for Variance Request submitted to the City
- April 08, 2026 – In accordance with State and local law, notice of the required public hearings mailed to all property owners within 200 feet of the subject tract.
- April 22, 2026 – Public hearing and consideration of the requested variance by the Zoning Board of Adjustments.

Summary:

- The request is for a variance not to comply with Section 1.37 (5) (f) of the Mission Code of Ordinances, which states:
 - Minimum depth of rear setback: 10 feet.
- The site is located 72 feet East of Hillcrest Drive along the South side of W. 42 ½ Street.
- The applicant is requesting a variance to construct a swimming pool with a 5-foot rear setback instead of the required 10-foot rear setback/utility easement.
- Taurus Estates No. 9 Phase 1 Subdivision was recorded on January 9, 2002.
- The subject lot has a total area of 6,700.00 square feet.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out 28 legal notices to surrounding property owners.
- Staff notes that Z.B.A. has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 11, Blk 4, Phase I	14-foot corner	04-15-2009	Denied
Lot 61, Blk 3 Phase I	1.1' side/ 1.3' rear/ 6' rear & 3' side	7-20-2022	Approved
Lot 91, Blk 3 Phase I	0' front	4-21-2021	Approved

STAFF RECCOMENDATION:

Staff recommends denial. This request does not qualify as an undue hardship.

However, if ZBA is inclined to approve this variance request then the applicant would need to comply with the following: 1) Sign a hold harmless agreement stating that the structure will remain perpetually

“open and to its footprint,” and if the structure is ever removed, the prevailing setbacks shall be complied with thereafter, and 2) obtaining a building permit fee.

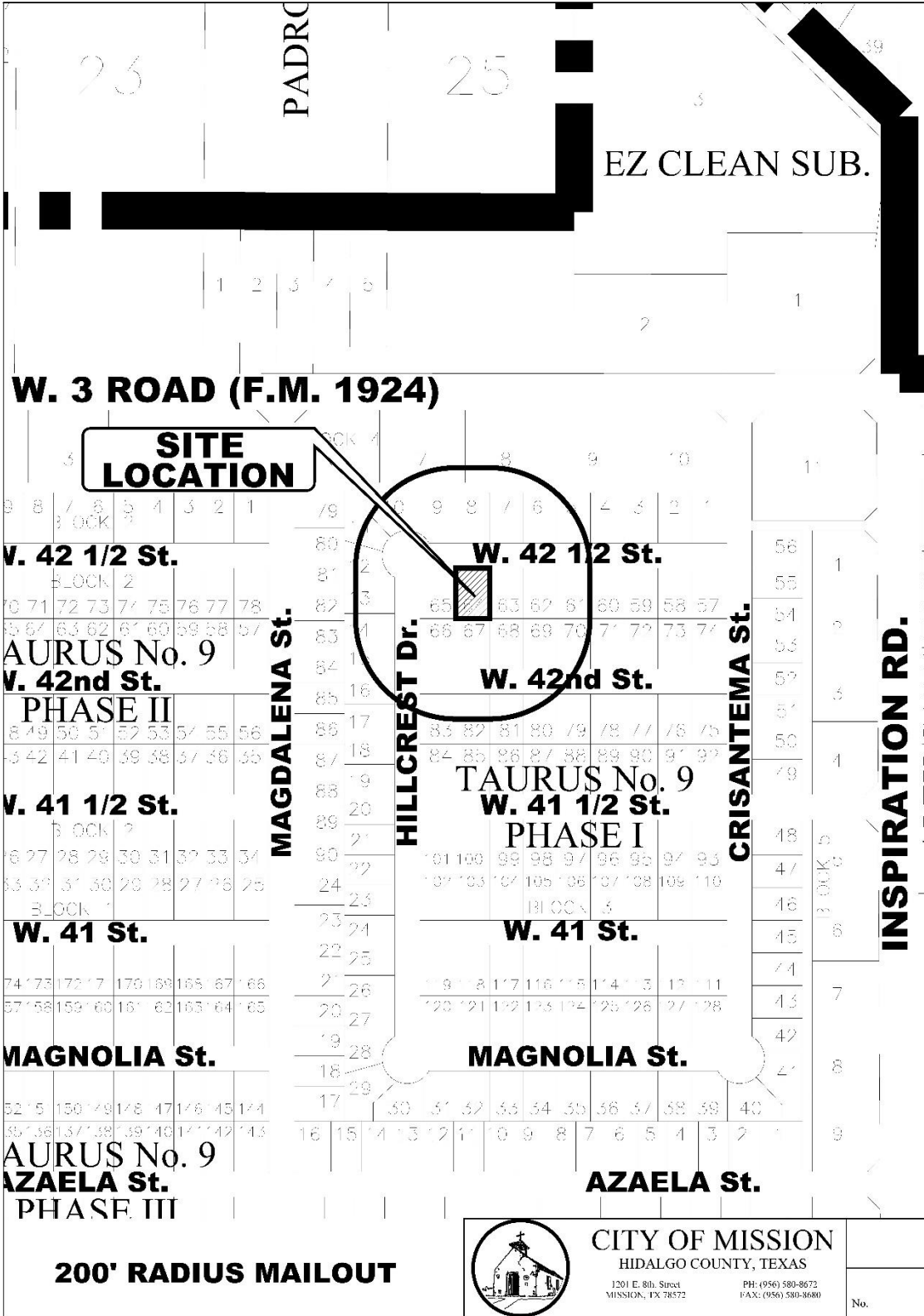
RECORD OF VOTE: **APPROVED:** _____
 DISAPPROVED: _____
 TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____

LEGAL NOTICE MAP



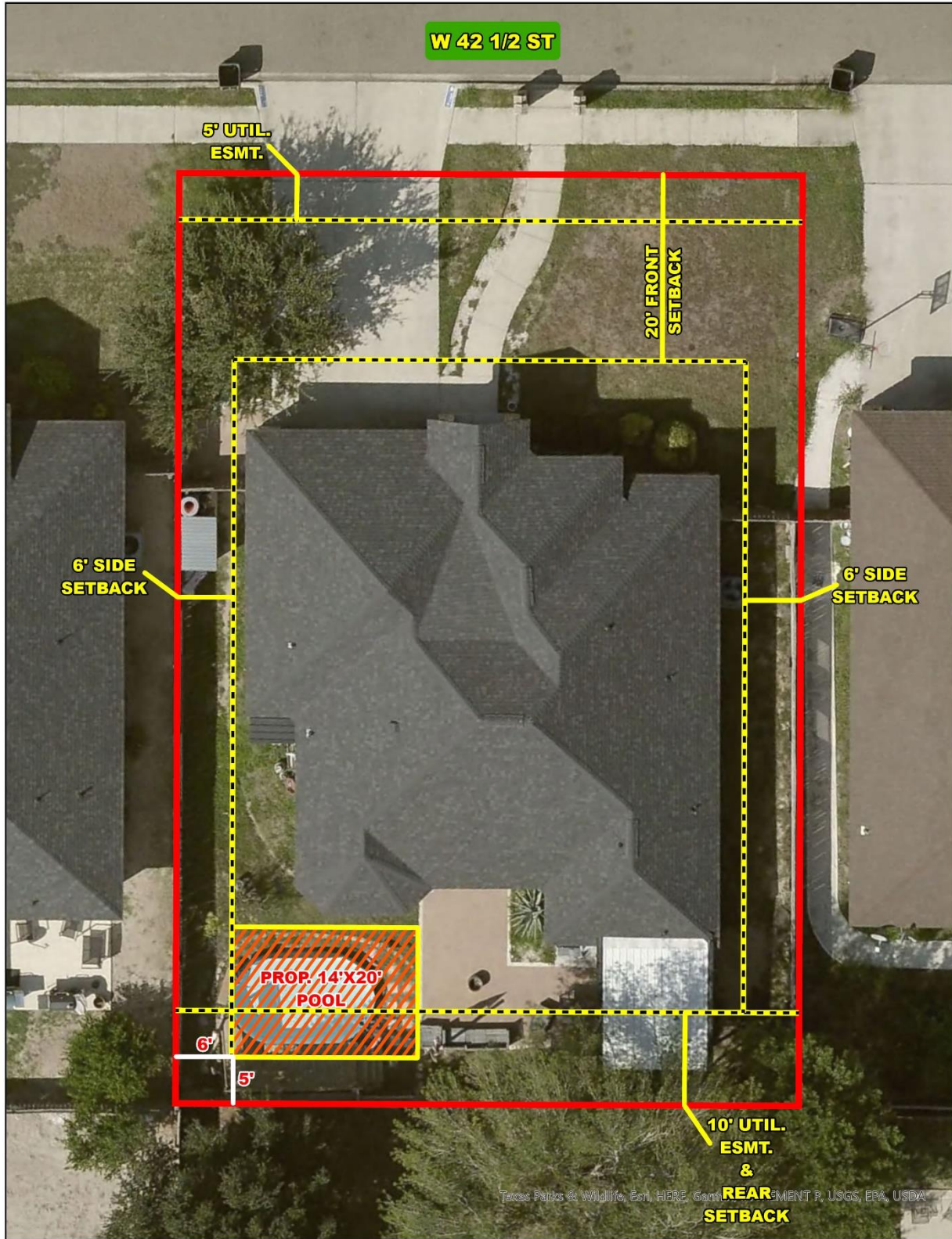
CITY OF MISSION
 HIDALGO COUNTY, TEXAS

1201 E. 8th Street
 MISSION, TX 78572

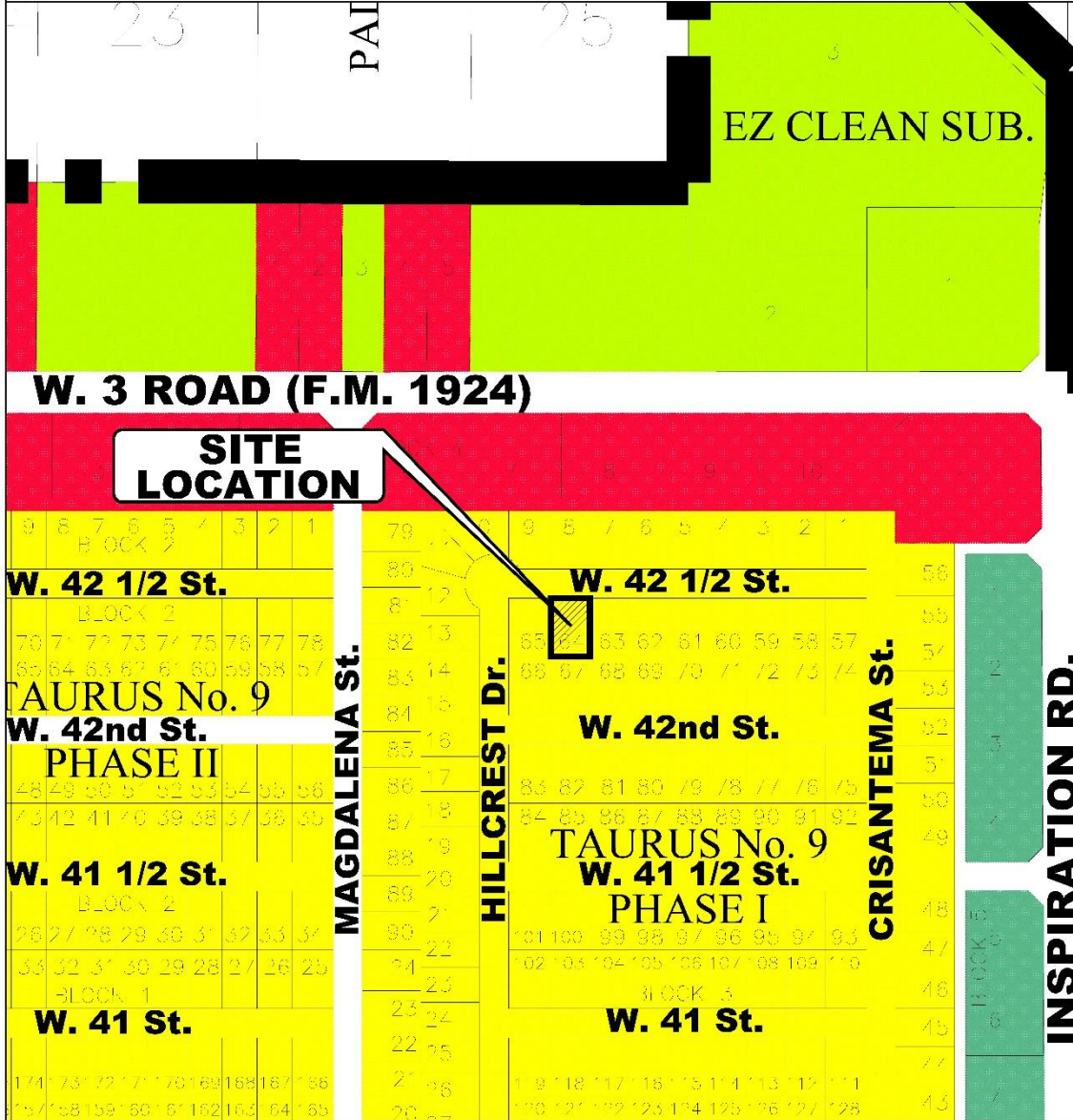
PH: (956) 580-8672
 FAX: (956) 580-8680

No.

AREIAL MAP



ZONING MAP

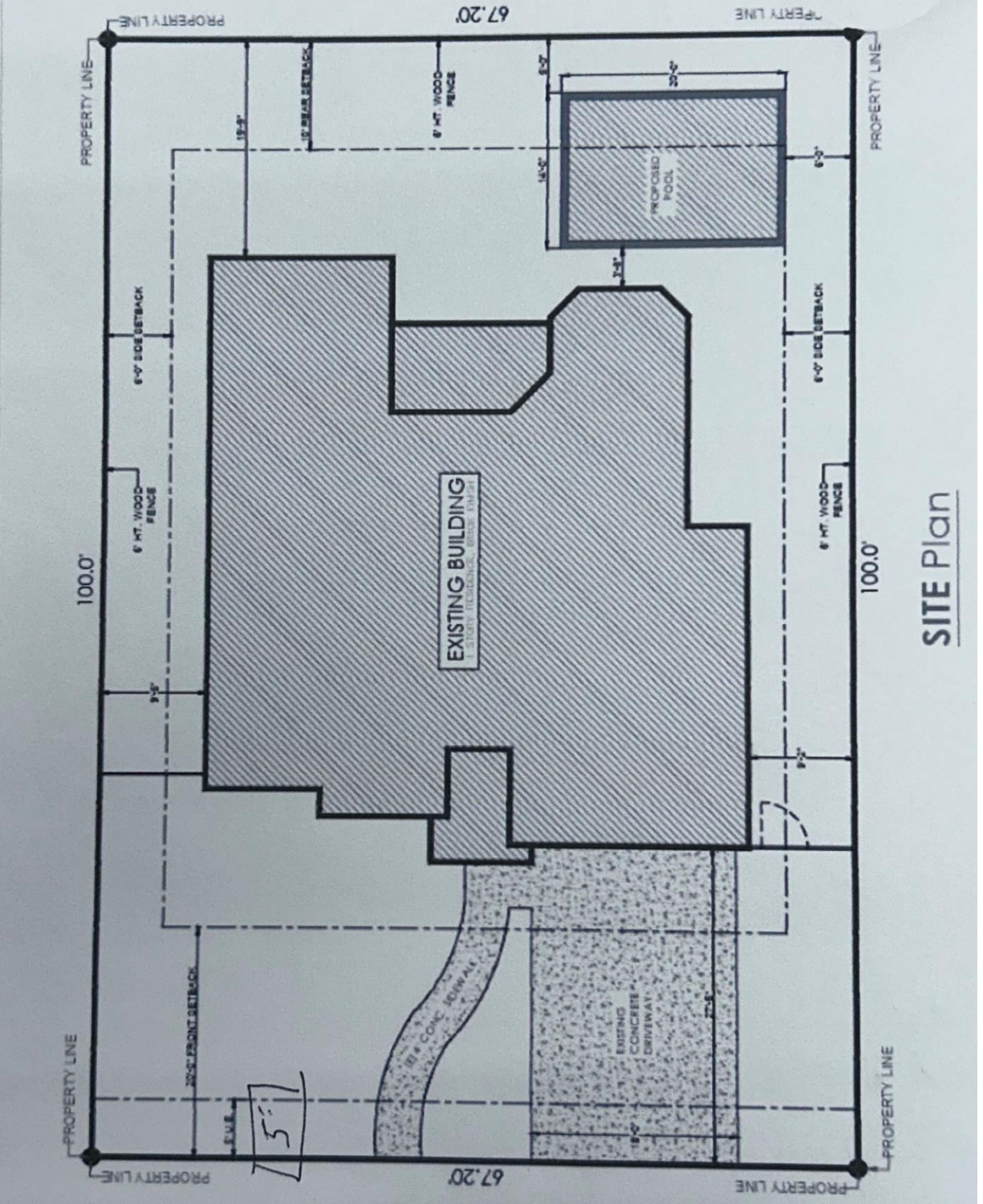


ZONING LEGEND

A0-I AGRICULTURAL OPEN INTERIM	R-3 MULTI-FAMILY RESIDENTIAL	C-4 HEAVY COMMERCIAL
A0-P AGRICULTURAL OPEN PERMANENT	R-4 MOBILE & MODULAR HOME	C-5 ADAPTIVE COMMERCIAL
R-1A LARGE LOT SINGLE FAMILY	R-5 HIGH DENSITY MFCTD HOUSING	I-1 LIGHT INDUSTRIAL
R-1T TOWNHOUSE RESIDENTIAL	C-1 OFFICE BUILDING	I-2 HEAVY INDUSTRIAL
R-1 SINGLE FAMILY RESIDENTIAL	C-2 NEIGHBORHOOD COMMERCIAL	PUD PLANNED UNIT DEVELOPMENT
R-2 DUPLEX-FOURPLEX RESIDENTIAL	C-3 GENERAL BUSINESS	P PUBLIC

SITE MAP

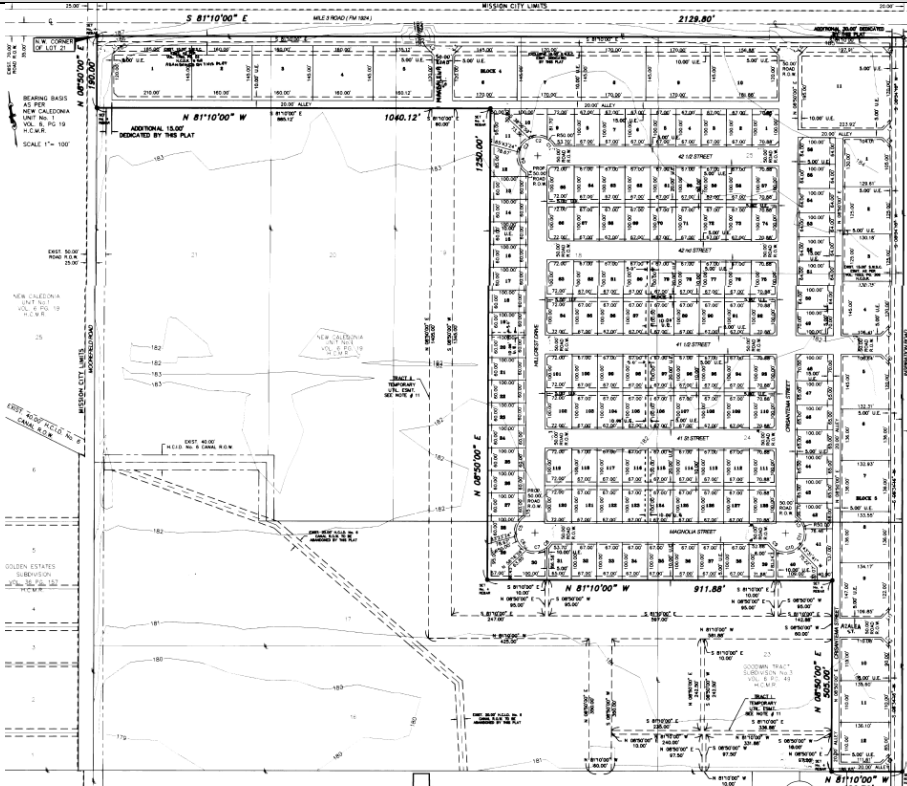
DESIGN THIS PLAN CONFORMS WITH ALL CITY ORDINANCES AND CODES. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



42 1/2 STREET

SITE Plan

RECORDED PLAT



Block 4, 42.819 Acres out of 42.819 Acres of Lot 17, 18, 19, 20 & 21 of Block 4, 27.023 Acres out of 27.023 Acres of Lot 17, 18, 19, 20 & 21 of Block 4, 15.788 Acres out of 15.788 Acres of Lot 23, 24 & 25 of Block 4, 42.819 Acre Tract of Land Comprising of Lots 17, 18, 19, 20 & 21 New Caledonia Unit No. 1 Vol. 8 P.C. 19

Block 3, 15.788 Acres out of 15.788 Acres of Lot 23, 24 & 25 of Block 3, 42.819 Acre Tract of Land Comprising of Lots 17, 18, 19, 20 & 21 New Caledonia Unit No. 1 Vol. 8 P.C. 19

Block 2, 15.788 Acres out of 15.788 Acres of Lot 23, 24 & 25 of Block 2, 42.819 Acre Tract of Land Comprising of Lots 17, 18, 19, 20 & 21 New Caledonia Unit No. 1 Vol. 8 P.C. 19

Block 1, 15.788 Acres out of 15.788 Acres of Lot 23, 24 & 25 of Block 1, 42.819 Acre Tract of Land Comprising of Lots 17, 18, 19, 20 & 21 New Caledonia Unit No. 1 Vol. 8 P.C. 19

Block 0, 15.788 Acres out of 15.788 Acres of Lot 23, 24 & 25 of Block 0, 42.819 Acre Tract of Land Comprising of Lots 17, 18, 19, 20 & 21 New Caledonia Unit No. 1 Vol. 8 P.C. 19



SUBDIVISION PLAT
OF
TAURUS ESTATES
No. 9 SUBDIVISION PHASE I
A 42.819 ACRE TRACT OF LAND
COMPRISED OF
27.023 ACRES OUT OF
LOTS 17, 18, 19, 20 & 21
NEW CALEDONIA UNIT No. 1
VOL. 8 P.C. 19
15.788 ACRES OUT OF
LOTS 23, 24 & 25
GOODWIN TRACT SUBDIVISION No. 3
HIDALGO COUNTY, TEXAS
VOL. 8 P.C. 48
H.C.M.R.

PREPARED BY: R. GUTIERREZ ENGINEERING CORPORATION
 317 E. PARK AVENUE
 PHARR, TEXAS 78877

DATE PREPARED: 08/18/05
 DATE SURVEYED: 04/12/05

BLOCK	LOT DATA	
	LOT NO.	ACRES
BLOCK 4	17	5.4046
	18	5.4046
	19	5.4046
	20	5.4046
	21	5.4046
BLOCK 3	23	5.2627
	24	5.2627
	25	5.2627
BLOCK 2	23	5.2627
	24	5.2627
	25	5.2627
BLOCK 1	23	5.2627
	24	5.2627
	25	5.2627
BLOCK 0	23	5.2627
	24	5.2627
	25	5.2627

CURVE	CURVE DATA	
	CHORD	ARC LENGTH
1	100.00	100.00
2	100.00	100.00
3	100.00	100.00
4	100.00	100.00
5	100.00	100.00
6	100.00	100.00
7	100.00	100.00
8	100.00	100.00
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92	100.00	100.00
93	100.00	100.00
94	100.00	100.00
95	100.00	100.00
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97	100.00	100.00
98	100.00	100.00
99	100.00	100.00
100	100.00	100.00

NO.	REVISION	DATE	APPROVED
1	INITIAL	08/18/05	RG

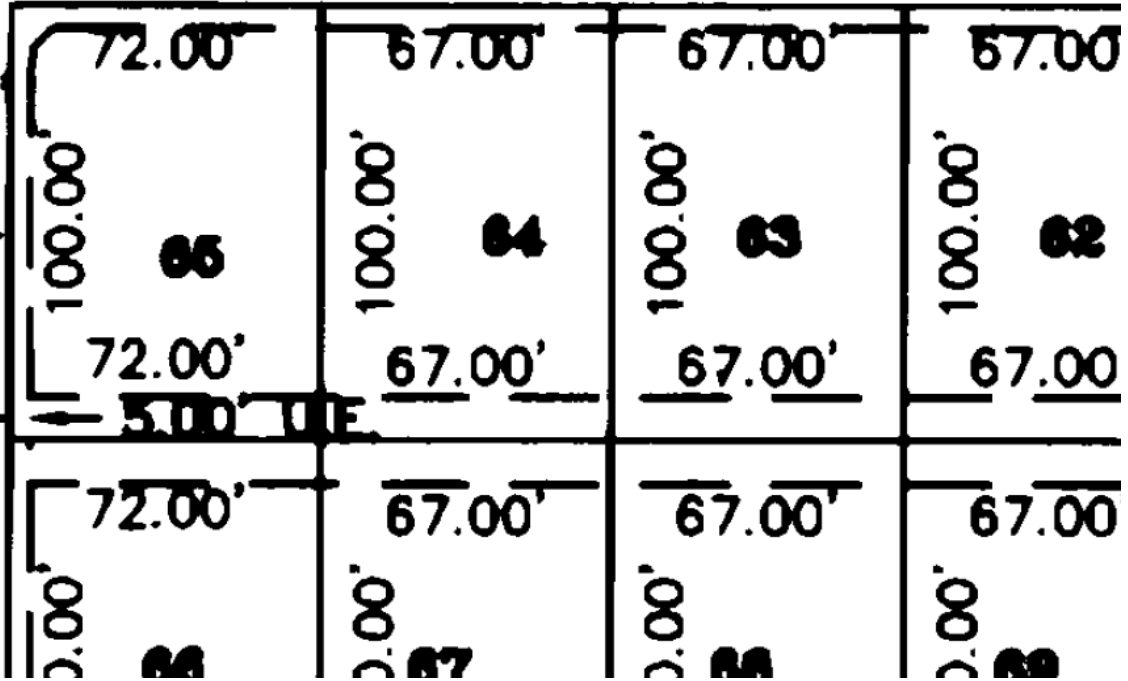
R. Gutierrez Engineering Corporation
 317 E. PARK AVENUE • PHARR, TEXAS 78877
 (TEL) 956 782-2557 • (FAX) 956 782-2558

RECORDED LOT



50.00
ROAD
R.O.W.

PROP.
50.00
ROAD
R.O.W.



PLAT NOTES

GENERAL NOTES:

1. BUILDING SETBACK LINES AS PER BLOCKS 4 & 5 TO BE:
 - A: FRONT MILE 3 NORTH: 65.00'
 - B: FRONT INSPIRATION ROAD: 40.00'
 - C: SIDE-BUILDING CODE FOR BLK 4, CORNERSIDE-10.0'
 - D: SIDE: 6.00' OR EASEMENT WIDTH; WHICHEVER IS GREATER. FOR BLK 5.
 - E: REAR: 10.00' OR EASEMENT WIDTH; WHICHEVER IS GREATER.
 - F: CORNER SIDE YARD SETBACK: 15.00'WHEN BUFFER EXIST. IF NO BUFFER EXIST THEN 20.00' SHALL BE IMPOSED FOR LOT 1, BLK 4
2. BUILDING SETBACK LINES AS PER BLOCK 3 TO BE:
 - A: FRONT AND GARAGE: 20.00'
 - B: SIDE: 6.0' OR EASEMENT WIDTH; WHICHEVER IS GREATER.
 - C: REAR: 10.0' OR EASEMENT WIDTH; WHICHEVER IS GREATER.
 - D: CORNER SIDE - 10.0'
3. NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT.
4. FLOOD ZONE "C"- AREAS OF MINIMAL FLOODING.
COMMUNITY-PANEL No. 480334 0400 C
MAP REVISED NOV. 16, 1982
5. MINIMUM FINISH FLOOR ELEVATION TO BE 18" ABOVE TOP OF CURB
6. BENCHMARK DESCRIPTION: ELE: 187.84
LOCATION: A No. 4 REBAR FOUND IN THE INTERSECTION OF MILE 3 NORTH AND MOORE FIELD ROAD.
7. PARKING FOR COMMERCIAL LOTS SHALL BE HELD IN COMMON FOR USE AMONGST ALL PROPRIETORS.
8. LOTS IN BLOCK 5 SHALL ONLY HAVE REAR PARKING- ANY DRIVEWAYS ONTO INSPIRATION ROAD MUST HAVE PRIOR APPROVAL BY THE MISSION PLANNING AND ZONING COMMISSION. NO DRIVEWAYS FROM ANY RESIDENTIAL LOT ONTO MOOREFIELD SHALL BE PERMITTED.
9. 5.0' SIDEWALK REQUIRED BY DEVELOPER ALONG MOOREFIELD AND ALONG MILE 3 ROAD TO LOTS 1-10 (BLOCK 4).
5.0' SIDEWALK REQUIRED AT PERMIT STAGE FOR LOT 11 (BLOCK 4) ALONG MILE 3 NORTH AND INSPIRATION ROAD, AS WELL AS ALL LOTS IN BLOCK 5 ALONG INSPIRATION ROAD.
4.0' SIDEWALK REQUIRED ALONG ALL OTHER STREET SIDES DURING THEIR PERMIT STAGE.
10. BUFFER REQUIRED FROM COMMERCIAL PROPERTY TO RESIDENTIAL.
1. ALL TEMPORARY EASEMENTS ARE DEDICATED BY THIS PLAT UNTIL ADJACENT PROPERTY IS DEVELOPED.
2. ALL INTERNAL STREET INTERSECTION SHALL HAVE A 15.0' X 15.0' CORNER CLIP EASEMENT.
13. ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO HIDALGO COUNTY IRRIGATION DISTRICT #6 AND NO OTHER UTILITIES OR USE IS ALLOWED WITHOUT EXPRESS APPROVAL BY THE DISTRICT.
14. COMPLIANCE BY LOTS IN BLOCKS 4 & 5 TO LANDSCAPING ORDINANCE #2175 SHALL BE IMPOSED AT THE BUILDING PERMIT STAGE.
15. CONSTRUCTION OF THE COMMON PARKING LOTS FOR LOTS 1-5 AND LOTS 6-10 SHALL BE DONE AT OR PRIOR TO THE 1st BUILDING PERMIT FOR SAID SERIES OF LOTS; SAID PARKING LOT SHALL FIRST BE APPROVED BY THE MISSION PLANNING AND ZONING COMMISSION.
16. MISSION PLANNING AND ZONING SHALL ALSO APPROVE THE SITE PLANS FOR THE COMMERCIAL LOTS WITH SPECIAL REGARD TO ACCESS MANAGEMENT, COMMON PARKING, INGRESS MANEUVERABILITY, AND LANDSCAPING.
17. PC'S, PT'S AND LOT CORNERS ARE 1/2" SET IRON ROBS WITH A CUP STAMPED 12 PLS F 3218.

MAILOUT LIST

PROP_ID	geolD	name	addrDelive	addrCity	addrState	addrZip
649583	T0941-09-003-0066-00	SERRANO ALFREDO	2002 W 42ND ST	MISSION	TX	78573-5008
649587	T0941-09-003-0070-00	GONZALEZ JAVIER VENTURA	2506 TIERRA DORADA BLVD	MISSION	TX	78572-6777
649578	T0941-09-003-0061-00	GARZA EDUARDO & MARIA M	1909 W 42 1/2 ST	MISSION	TX	78573-5006
649580	T0941-09-003-0063-00	GONZALEZ CLAUDIA ALONSO	1913 W 42 1/2 ST	MISSION	TX	78573-5006
649527	T0941-09-003-0010-00	FERNANDEZ ASHLEY	2004 W 42 1/2 ST	MISSION	TX	78573-5005
649523	T0941-09-003-0006-00	MARTINEZ NORA MARIBEL	1910 W 42 1/2 ST	MISSION	TX	78573-5006
649525	T0941-09-003-0008-00	BARRERA JORGE & MIGDALIA	2000 W 42 1/2 ST	MISSION	TX	78573-5005
649529	T0941-09-003-0012-00	CARRILLO JOSE J	4209 HILL CREST DR	MISSION	TX	78573-6736
649530	T0941-09-003-0013-00	RILEY FREDDIE EARL & CAROLYN GENE	5211 80TH SW	LAKEWOOD	WA	98499-4079
649531	T0941-09-003-0014-00	LUNA JESSE & LETICIA RODRIGUEZ	4205 HILL CREST DR	MISSION	TX	78573-6736
649532	T0941-09-003-0015-00	ESCOBEDO ERICA	4203 HILL CREST DR	MISSION	TX	78573-6736
649533	T0941-09-003-0016-00	VELA MODESTO JR & LUZ M VELA	4201 HILL CREST DR	MISSION	TX	78573-6736
649653	T0941-09-004-0008-00	SOLIS PERFECTO	2005 W 3 MILE RD STE NO 900	MISSION	TX	78572
649652	T0941-09-004-0007-00	SOL GUZ 2 LLC	2005 W 3 MILE RD STE 900	MISSION	TX	78572
649528	T0941-09-003-0011-00	MERCADO CYNTHIA	4211 HILL CREST DR	MISSION	TX	78573-6736
649597	T0941-09-003-0080-00	VILLARREAL ALEJANDRO & LAURA	1911 W 42ND ST	MISSION	TX	78573-5030
649598	T0941-09-003-0081-00	RAMIREZ JOSE D	1913 W 42ND ST	MISSION	TX	78573-5030
649599	T0941-09-003-0082-00	FERNANDEZ FRANCISCO J	2001 W 42ND ST	MISSION	TX	78573
649600	T0941-09-003-0083-00	MARTINEZ ALPHONSO & MARIA	2003 W 42ND ST	MISSION	TX	78573-5008
649524	T0941-09-003-0007-00	REYNA GERMAN	1912 W 42 1/2 ST	MISSION	TX	78573-5006
649526	T0941-09-003-0009-00	TUERINA DORA ELIA	2002 W 42 1/2 ST	MISSION	TX	78573-5005
649522	T0941-09-003-0005-00	GARCIA ALEJANDRO A JR & PERLA S RUIZ NAVARRO	1908 W 42 1/2 ST	MISSION	TX	78573-5006
649581	T0941-09-003-0064-00	PENA VICTOR ALI & MELISSA JUDITH ALMENDAREZ DE PENA	3303 FRESNO AVE BLDG 1	HIDALGO	TX	78557-3772
649582	T0941-09-003-0065-00	ACEVEDO RODOLFO J & AURORA	2003 W 42 1/2 ST	MISSION	TX	78573-5005
649586	T0941-09-003-0069-00	URIBE FREDY & BARBARITA LUCIO GONZALEZ	1910 W 42ND ST	MISSION	TX	78573-5030
649585	T0941-09-003-0068-00	FLORES JOSE ANTONIO JR & LORENA B	1912 W 42ND ST	MISSION	TX	78573-5030
649584	T0941-09-003-0067-00	ORTIZ GONZALO III & ADRIANA NICOLE GONZALEZ	2000 WEST 42ND STREET	MISSION	TX	78573
649579	T0941-09-003-0062-00	MARTINEZ JUAN J & KARLA	1911 W 42 1/2 ST	MISSION	TX	78573-5006

